Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Amendment of Section 97.201(b) of the	)	**RM - 10313**
Commission's Rules Regarding Auxiliary	)	
Operation in the Amateur Service	)	

To: Chief, Public Safety and Wireless Division,
Wireless Telecommunications Bureau

COMMENTS OF KENWOOD COMMUNICATIONS CORPORATION

Kenwood Communications Corporation ("Kenwood"), the petitioner, submits its reply to certain comments filed concerning its Petition for Rule Making, which was the subject of the FCC's *Public Notice*, Report No. 2507, released October 19, 2001. Kenwood's Petition for Rule Making asks that the FCC amend Section 97.201(b) of the Commission's Rules to allow auxiliary amateur radio station operation on amateur frequencies above 144.5 MHz, except for 145.8-146.0 MHz, 219-220 MHz, 222.0-222.150 MHz, 431-433 MHz and 435-438 MHz.

There are numerous comments in support of the Petition for Rulemaking, and there are several which are opposed. The comments which are in opposition make only one argument, which is that the proposed expansion of operating privileges requested in the petition is ill-advised because the 2-meter band is crowded, and therefore new technologies and more efficient amateur station configurations should not be permitted to use that band. Kenwood believes that the comments made in support of the petition contain better arguments. They more than justify the FCC's issuing a Notice of Proposed Rulemaking. Allowing auxiliary operation in the additional segments of the 2-meter band would increase the flexibility and utility afforded amateur radio licensees in the use of

their allocations, and it would not have harmful effects on other, current amateur radio uses of the 2-meter amateur band.

Kenwood argued in its comments that crowding in the 2-meter amateur band is not a basis for artificial regulatory limits imposed by the FCC which restrict the rollout of new amateur radio technology. Kenwood is confident that amateur radio operators can, do, and will continue to use their shared bands cooperatively, and informally, without the need for intervention from the FCC. Many amateur bands are crowded. That is not a good reason to restrict new technology, and advances in amateur radio that enhance operator's ability to use their stations effectively and in the public interest. It is conceded that there is crowding in many amateur bands. That crowding, however, in this case should be balanced against the ability of amateur radio operators to make better use of their limited time available to operate their stations, and to improve their station configurations. Allowing more flexible auxiliary operation, while protecting existing uses in crowded amateur bands, also allows amateurs at least some ability to "work around" local land use restrictions on high-frequency operation. Expanding the ability of amateurs to use auxiliary links to remotely control high-frequency stations (among other applications) provides a solution for amateur radio operators who otherwise would not be able to operate a high frequency station, and a solution for those who have little time at home to operate their stations. Adding new uses to crowded amateur bands is one of the realities of amateur radio, as well as other radio services.

There is always room in amateur bands for new, exciting uses, and the antiquated regulations which prohibit them should be deregulated where possible. The comments of John McCauley, K5JBM, say it well:

> Kenwood's contention is that the amateur community is generally worthy of trust and ready for progress toward further relaxation of the governmental regulatory environment that encourages the independent self-regulation of operating practices. In continuing to petition for this change, Kenwood seeks to make a change in the

> mindset of the community of operators to which the FCC in turn looks for information, consensus, and for a sense of willingness to regulate their own. Kenwood has taken a stance that rises above what has been derided as crass pandering to our admittedly flourishing consumerism. They remind us that in the world of ham radio, amateurs have always been ready to experiment, to change, and to accommodate new modes of operation, while maintaining a tradition of mutual courtesy and self-discipline.

What Kenwood is asking the FCC to do is allow the amateur radio operators to utilize their allocations cooperatively, and to increase flexibility, without outdated regulations. This is consistent with the FCC's general philosophy of deregulation. Mr. Richard Illman, AH6EZ, a Radio Systems Engineer for Motorola, supports the Petition, and argues the benefits of deregulation of auxiliary operation:

> The important benefit of increased flexibility for auxiliary operation would be to increase the flexibility and availability of public service and emergency communications. Amateur Radio operators have increased access to transceivers which are capable of simultaneous dual band operation and cross band repeater operation which was not dreamed about when the existing Part 97 rules were put in place. Knowledgeable Amateur Radio operators, if allowed by this rule change, would be able to more quickly and reliably deploy communications in times of local, regional, and national needs.

Leonard J. Umina, K1LU, agrees with Kenwood's assessment that increasing the ability of amateur radio operators to use and experiment with new station configurations in the 2-meter band can be done cooperatively, the same way that repeater coordination is done without FCC intervention in the same band. The opponents of the petition argue that there are other bands that can be used for auxiliary operation, but Mr. Umina notes that most young licensees and those with limited resources own 2-meter equipment, and can benefit from the additional flexibility afforded by the proposed revised regulations. Mr. Umina's comments include the following argument:

> Finally, while city locations will probably require some coordination or tolerance in the proposed use of the band, hams have traditionally been quite tolerant and gentlemanly in their approach to these issues. Even in areas where frequency coordinating bodies are almost non-functional, our repeater and VHF/UHF band usage is and has been a great example of tolerance to everyone's interests. For

example, repeater users tolerate some interference in some areas because it enables hams at a distance to enjoy their use of the frequencies. Sure, an absolutely "clear" frequency would be great for everything and everyone, but that isn't physically possible. Remote control on 2M ... will add to the traffic on the band, but not noticeably, and I expect that it will give us all more interesting things to talk about or listen to. I ask the FCC to release us from these restrictions so that we may begin to develop and deploy the next level of technology that computers, radio, intellect and effort will bring to the service.

Kenwood manufactures a product that would make use of these more flexible regulations. However, the rule change proposed is not device, or technology, specific. In fact, there are many applications that would benefit from the rule change, including applications in support of new technology deployment, and especially in support of emergency and public safety communications.

Therefore, Kenwood continues to support this petition which would bring necessary deregulation to the amateur radio service, and urges the Commission to release a Notice of Proposed Rulemaking right away proposing the rule changes set forth in the Kenwood petition.

Respectfully submitted,

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December 4, 2001